



An
Bord
Pleanála

Inspector's Report ABP 307442-20

Development

Two west gable end windows, a west gable window at ground floor level, a box-bay east window at ground floor, redevelopment / up-grade works to single storey kitchen and family area to include a flat roof (warm-roof).

Location

1 White's Gate, White's Road,
Castleknock, Dublin 15, D15FX45.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW20B/0026

Applicant

Frank Colgan

Type of Application

Permission

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

Third Party

Appellants

Lesley Deegan & John Corley

Observer(s)

None

Date of Site Inspection

08th September 2020

Inspector

Brendan Coyne

1.0 Site Location and Description

1.1. The subject site (0.19 hectares) is located within a small residential development known as White's Gate, accessed off the northern side of White's Road in Castleknock, Dublin 15. The dwellings within White's Gate are arranged in a crescent and the subject site is located at its western end. The site contains a detached 2.5 storey 5-bedroom dwelling, with a stated floor area of 326 sq.m. The dwelling is identified as No. 1 White's Gate. The roof profile of the dwelling is pitched and its elevations comprise red brick finish. The dwelling has a single storey extension to its eastern side and rear / north, with a hip-ended lean-to roof profile. The dwelling has an elongated triangular shaped garden c. 79 metres long to its western side. The White's Road adjoins the southern boundary of the site and the grounds of Farmleigh House within the Phoenix Park are located opposite the site, on the southern side of the White's Road. The southern boundary is defined with a wrought iron fence, tall hedging and mature trees. The rear northern boundary is defined with tall mature deciduous and coniferous trees and a brick wall c. 2m high defines the eastern boundary of the site, shared with neighbouring dwelling No. 2 White's Gate.

2.0 Proposed Development

2.1. Permission sought for the following;

- Alterations to the elevations of the existing dwelling comprising the following;
 - Insertion of 2 no. window opes to the western side elevation at second floor level and 1 no. window ope to the western elevation at ground floor level.
 - Insertion of 1 no. box window to the eastern side elevation at ground floor level.
- Redevelopment / up-grade works to the existing single storey side / rear extension comprising the following;
 - Replacement of the existing hip-ended roof with a new flat roof (warm roof), with a parapet height of 3.8m.
 - Reconfiguration of door and window opes with the provision of new triple glazing floor-to-ceiling windows and sliding doors,

- Construction of a single storey flat roof extension to the western side and rear of the dwelling, aligning with and continuing the existing single storey side / rear extension. Stated floor area - 40.7 sq.m.,
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council granted permission for the proposed development subject to 7 no. Conditions. Noted Condition includes:

Condition No. 2 All external finishes shall harmonise in colour and texture with the existing premises or as indicated in the plans and particulars lodged.

3.2. Planning Authority Reports

3.2.1. *Planning Report*

Basis for the Planning Authority's decision includes:

- The footprint of the existing single storey extension is not being changed. As such the proposal will not be any closer to the neighbouring dwelling to the east.
- There is a 2m high wall separating the subject dwelling and the neighbouring property to the east.
- The existing extension has a ridge height of 3.7m and fascia / soffit height of 2.4m. The height of the proposed new flat roof will be 3.8m.
- There will be c. 8.4m between the proposed development and the neighbouring property to the east.
- The height of the flat roofed extension would not adversely impact the neighbouring property to the east by way of overshadowing or overlooking.

- While the proposed new windows / sliding doors are larger than those being replaced, they would not result in increased overlooking of the neighbouring property to the east.
- The proposed box dormer window at ground floor level would not impact on the neighbouring property to the east.
- Proposed works on the west facing elevation of the dwelling would overlook the applicant's own extensive side garden and therefore would not impact negatively on adjacent properties.
- Acknowledgement of submission received which raises the issue that there is a difference in finished floor levels between the subject site and the adjoining site to the east. Further to site inspection, it is considered that that the difference in finished floor levels of these two properties is minimal.
- Having regard to the difference in finished floor levels between the subject and adjoining site and the 8.4m separation distance between the two properties, it is considered that the difference in floor level would not result in the proposal adversely impacting the neighbouring property.
- The proposed sliding doors on the side elevations of the single storey extension would break-up the brick element of the proposal and are considered visually acceptable.
- The proposed extension has been well designed and would assimilate with the existing dwelling and overall site.
- The development will not be visible until one is at the front of the dwelling, where a large hedge screens the view of the ground floor of the dwelling.
- It is considered that the proposal is not obtrusive and would not injure the visual or residential amenity of the area.

3.2.2. ***Other Technical Reports***

Water Services Section: No objection subject to Conditions.

3.2.3. **Prescribed Bodies**

Irish Water: No objections.

4.0 **Planning History**

P.A. Ref. F03A/1084 / ABP Ref. PL06F. 204961 Permission GRANTED on appeal in March 2004 for the construction of 275 unit residential development, (85 houses and 190 apartments), childcare facility and all associated demolition and site works at Whites Road and College Road, Dublin 15.

5.0 **Policy and Context**

Fingal County Development Plan 2017 – 2023 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned objective 'RS - Residential' with the objective 'to provide for residential development and protect and improve residential amenity'.

Objective PM46 Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Objective DMS30 Ensure all new residential units comply with the recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (B.R.209, 2011) and *B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

Section 12.4 Extensions to Dwellings – Development Management Standards

Objective DMS42 Encourage more innovative design approaches for domestic extensions.

Objective DMS85 Ensure private open spaces for all residential unit types are not unduly overshadowed.

Section 12.2 Common Principles for all Planning Applications

5.1. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was received from Lesley Deegan and John Corley, who reside at neighbouring dwelling No. 2 White's Gate, located on adjoining lands to the east of the appeal site. The grounds of appeal document submitted refers to the appellants original objection submitted to the Planning Authority, prepared by Jim Brogan Planning and Development Consultant and request the Board to refer to the issues raised in this submission, which still stand. The following is a summary of the issues raised in both the grounds of appeal submission and original objection submitted to the Planning Authority.

- The proposed contiguous elevation drawing submitted does not accurately reflect the topography between the appeal site and the adjoining site No. 2 White's Gate. The ground level of adjoining site No. 2 Whites Gate is c. 0.5m lower than the appeal site. On the basis that the drawings submitted do not comply with Article 23(1) of the Planning and Development Regulations 2001 (as amended), the application should be declared invalid.
- The appeal site has extensive frontage along White's Road. A site notice should have been erected along this road in accordance with the requirements of Article 19(1)(c) of the Planning and Development Regulations 2001 (as amended).
- The site notice erected along on the boundary railing was concealed behind roadside vegetation. Its location was not conspicuous, easy to access or easily legible and therefore not in compliance with the aforementioned Regulations. On this basis, the planning application should be declared invalid.
- The increased height and massing of the eastern side extension would impact on the residential amenity of the neighbouring dwelling No. 2 White's Gate.

- The height of the proposed extension at 3.8m would in effect be approx. 4.3m when viewed from adjoining site No. 2 White's Gate.
- No. 2 White's Gate has 2 no. windows on its western elevation at ground floor level which are a primary source of sunlight, given that other window opens face northwards. No. 2 also a sunroom to the rear (north) of the house. The proposal would result in loss of sunlight to the neighbouring dwelling No. 2 Whites Gate.
- The proposed box window on the eastern side elevation would result in overlooking of neighbouring dwelling No. 2 White's Gate.
- The design characteristics and finishes of the proposal represents a radical change to that of the existing dwelling and other houses within White's Gate.
- The extensive use of glass walling represents a significant departure from the norm.
- The drawings submitted do not detail the colour of the proposed external windows or doors.
- The proposed external finishes would not harmonise with the existing dwelling and therefore would have a visual impact on the overall appearance of the dwelling.

6.1.2. Supporting documentation lodged with the appeal include the following;

- Copy of elevation drawings of the existing dwelling and proposed development and proposed contiguous elevation drawings.
- Copy of original objection submitted to the Planning Authority, prepared by Jim Brogan Planning and Development Consultant on behalf of Lesley Deegan and John Corley.
- Copy of original further submission lodged to the Planning Authority by Lesley Deegan and John Corley.

6.2. Applicant Response

6.2.1. The response received from John P Masterson Architects representing the Applicant, is as follows;

- There is no change to the footprint / building line of the existing single storey extension on its eastern side.
- The separation distance from the extension to the boundary wall is significant and remains unchanged at 3.9m. Its separation distance from the neighbouring dwelling is 8.6m.
- Overlooking / overshadowing is not an issue.
- The 2 no. windows added to the western elevation of No. 2 White's Gate are new additions made to the property in 2017 / 2018 on foot of a Section 5 Declaration.
- The proposed development is necessary and urgent to provide essential accommodation for a large family (five children).
- The proposal will have no adverse impact on the adjoining property.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

None received

7.0 **Assessment**

7.1. I consider the main issues in determining this appeal are as follows:

- Procedural Issues
- Overshadowing
- Overlooking
- Design / Visual Impact

These are addressed under the headings below.

7.2. **Procedural Issues**

- 7.2.1. The appellants object to the proposed development on the grounds that a site notice should have been erected along the White's Road, which adjoins the southern boundary of the site, in accordance with the requirements of Article 19(1)(c) of the Planning and Development Regulations 2001 (as amended). The appellants also put forward that the site notice erected on the boundary railing was concealed by roadside vegetation, was not conspicuous or easily legible and, therefore, was not in compliance with the aforementioned Regulations. On this basis, the appellants submit that the planning application should be declared invalid.
- 7.2.2. It is my view that this ground of appeal is a validation issue which is the function of the Planning Authority. I am satisfied that this did not prevent the concerned party from making representations to the Council on the proposed development. The third-party appellants have made a valid planning appeal to An Bord Pleanála and the issues raised in this appeal are addressed below.
- 7.2.3. The appellants also object to the proposed development on the grounds that the proposed contiguous elevation drawing submitted does not accurately reflect the topography between the appeal site and the adjoining site No. 2 White's Gate. The appellants detail that adjoining site No. 2 is c. 0.5m lower than the appeal site. On this basis, the appellants submit that the drawings submitted do not comply with Article 23(1)(d) of the Planning and Development Regulations 2001 (as amended), and therefore the application should be declared invalid.
- 7.2.4. I note that the Planning Authority in its assessment of the proposal refers to the original objection submitted by the appellants and address the issue of difference in grounds levels between the subject site and neighbouring property No.2 White's Gate. The planning report states that further to site inspection, it is considered that the difference in finished floor levels of these two properties is minimal.
- 7.2.5. It is my view that this ground of appeal is a validation issue which is the function of the Planning Authority. I am satisfied that the concerned party raised this issue in the representation made to the Planning Authority and that the Planning Authority addressed this issue in its assessment. Further to site inspection, I acknowledge the difference in ground level between both sites and take this into consideration in my assessment below. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

7.3. Overshadowing

- 7.3.1. The appellants object to the proposed development on the grounds that the increased height and massing of the eastern side extension would impact on the residential amenity of neighbouring dwelling No. 2 White's Gate by way of loss of sunlight. The appellants detail how the height of the proposed new roof at 3.8m would, in effect, be 4.3m when viewed from adjoining site No. 2, given the 0.5m drop in ground level between both sites. The appellants express concern that the proposal would result in loss of sunlight to the 2 no. window opes on the western side elevation of No. 2 Whites Gate at ground floor level and the sunroom to the rear of the dwelling.
- 7.3.2. The Planning Authority in its assessment conclude that while the height of the proposed new roof to the existing extension at 3.8m is slightly higher than the 3.7m ridge height and 2.4m fascia height of the existing roof, the height of the proposed new roof would not adversely impact the neighbouring property to the east, No. 2 White's Gate.
- 7.3.3. The proposed development provides for the replacement of the hip-ended lean-to roof to the existing single storey extension with a flat roof. The existing roof has a ridge height of 3.7m and an eave height of 2.4m. The parapet height of the proposed new flat roof is 3.8m. The footprint of the existing extension at the north-eastern corner of the dwelling would remain unchanged. A separation distance of 3.9m is provided between the eastern elevation of the existing extension and the eastern side shared boundary, which comprises a 2m high wall. A separation distance of 8.4m is provided between the eastern elevation of the existing extension and the western elevation of neighbouring dwelling No. 2 White's Gate.
- 7.3.4. Section 12.4 of the Fingal County Development Plan refers to 'Daylight, Sunlight and Overshadowing' and seeks to ensure that daylight and sunlight levels for residential dwellings, as a minimum, are in accordance with *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE2011) and *British Standard (B.S.). 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting*. Having regard to Sections 2.2 and 3.2 of the *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE2011) guidelines, the parapet height of the proposed new roof on

the existing extension and the separation distance between the subject dwelling and neighbouring dwelling No. 2 White's Gate, I find that the height of the proposed development would not result in a significant loss of daylight or sunlight to dwelling No. 2. I recommend, therefore, that this ground of appeal should not be upheld.

7.4. Overlooking

- 7.4.1. The appellants object to the proposed development on the grounds that the proposed box window on the eastern side elevation of the dwelling would result in overlooking of neighbouring dwelling No. 2 White's Gate.
- 7.4.2. The Planning Authority in its assessment note that the proposed box dormer window is located at ground floor level and would be setback 7.6m from the common boundary wall, which is 2m high. The Planning Authority conclude that proposed box window would not impact on neighbouring dwelling No. 2.
- 7.4.3. The proposed development provides a box window on the eastern side elevation of the existing dwelling. The window has a width of c. 1.4m and a height of c.2.4m above ground level. The widow would maintain a setback of 7.6m from the eastern side boundary, which comprises a 2m high wall and would maintain a setback of 11.9m from the western elevation of neighbouring dwelling No. 2 White's Gate. I note that the existing side/rear extension has window and door opes on its eastern side elevation which are located closer at c. 8.4m from the western elevation of neighbouring dwelling No. 2 White's Gate. Having regard to the location of the proposed box window ope on the ground floor side elevation, its separation distance from the western side elevation of neighbouring dwelling No. 2 and the height of the common side boundary wall between both dwellings, it is my view that the proposed box window would not adversely impact on the residential amenity of neighbouring dwelling No. 2 by way of overlooking. I recommend, therefore, that this ground of appeal should also not be upheld.

7.5. Design / Visual Impact

- 7.5.1. The appellants object to the proposed development on the grounds that its design characteristics and finishes represent a radical change to that of the existing dwelling

and other houses within White's Gate. The appellants submit that its external finishes would not harmonise with the existing dwelling and therefore would have a visual impact on the overall appearance of the dwelling. The appellants also express concern that the proposed extensive use of glass walling represents a significant departure from the norm.

- 7.5.2. The Planning Authority in its assessment acknowledges that the proposed finish to the extension is a contrasting brick to that already used on the existing dwelling. The Planning report refers to the provision of large glazing, stating that this would break up the built element of the dwelling and would be visually acceptable at this location. The Planning report concludes that the proposed extension has been well designed, would assimilate with the existing dwelling and would not injure the visual or residential amenity of the area. I note that Condition No. 2 of the grant of permission by the Planning Authority requires that all external finishes harmonise in colour and texture with the existing dwelling or as indicated in the plans and particulars lodged with the application.
- 7.5.3. Proposed elevation drawings submitted detail that external wall finishes will comprise 'selected solid brick (contrasting staffordshire blue)' and that window opes shall comprise triple glazed Aluclad timber. In the absence of samples of the proposed brick finishes I have researched staffordshire blue brick and note that its blue colour would be at variance with the established red brick finish of the main dwelling and other dwellings within White's Gate. Given the context of the site, the glazed front elevation treatment of the proposal and its setback behind the front building line of the dwelling, it is my view that the proposed external finishes would not detract from the character and visual amenity of the streetscape within White's Gate and would not be highly visible from the front along White's Road.
- 7.5.4. The proposed development provides large floor to ceiling height window opes on both the front and side elevations of the existing and proposed new side / rear extension, with somewhat smaller and narrower floor-to-ceiling window opes on the rear (northern) elevation of the proposal. Having regard to the appellants concern with regards the proposed 'glass walling', I note that the existing single storey side / rear extension has extensive floor to ceiling door / window opes and doors on its front, side and rear elevations. It is my view that the proposed floor to ceiling height window / door opes would not be significantly at variance with the existing floor to ceiling height

window opens of the existing side / rear extension. Furthermore, given the north facing rear elevation of the dwelling, the provision of such window openings would optimise the benefits of sunlight, daylight and solar gain to the dwelling. Such development would be in accordance with the principle of sustainable design as set out in Section 12.2 of the Development Plan.

- 7.5.5. Having reviewed the drawings submitted, it is my view that the scale, form and design of the proposed development would integrate fully with the existing dwelling and, given its context location and layout, would not detract from the character or visual amenity of the surrounding streetscape along Whites Gate or adjoining White's Road. On this basis, I recommend, that the appeal should not be upheld in relation to this issue.

7.6. Screening for Appropriate Assessment

- 7.6.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the scale, form and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential amenity of neighbouring property or the visual amenity of the surrounding streetscape. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All external finishes shall harmonise in colour and texture with the existing dwelling on the site.</p> <p>REASON: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>

Brendan Coyne
Planning Inspector

09th September 2020